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Assistant Commissioner for Patents  
Washington, D.C. 20231

On March 12, 2002

TOWNSEND and TOWNSEND and CREW LLP

By: Janice Annmarie Dallara

Attorney Docket No.: 02307E-099810US  
Client Reference No.: 1999-373-2



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Attarian, et al.

Application No.: 09/747,385

Filed: December 22, 2000

For: FUSOBACTERIUM NUCLEIC  
ACIDS, PLASMIDS AND VECTORS

Examiner: K. Davis

Art Unit: 1636

**DECLARATION OF**  
**Susan A. Kinder Haake, Kara K.**  
**Podkaminer, Gwynne Attarian, and Sean**  
**C. Yoder**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

We, Susan A. Kinder Haake, Kara K. Podkaminer, Gwynne Attarian, and Sean C. Yoder, hereby declare:

THAT we are the named and true inventors in the above-referenced patent application, and that we are co-inventors of the subject matter disclosed and claimed in said application, and the only inventors thereof;

THAT we, Susan A. Kinder Haake, and Sean C. Yoder are co-authors of the abstract entitled, "Transformation of *Fusobacterium nucleatum* by Electroporation" published in May 1999, as Abstract No. H-9 in the Abstracts of the General Meeting of the American Society of Microbiology 99:331;

Considered  
3/8/2003

**BEST AVAILABLE COPY**

|| Attrarian, et al.  
Application No.: 09/747,385  
Page 2

THAT to the extent that the subject matter disclosed and claimed in said application is also disclosed in said abstract, we four are co-inventors and the only inventors of said subject matter;

That I, Susan A. Kinder Haake am the sole author of the abstract entitled, "DNA Sequence Analysis of the *Fusobacterium nucleatum* Plasmid, pFN1" published in 1999 in Journal of Dental Research 78 (abstracts): 420, Abstract No. 2498;

THAT the other co-author of said abstract, Sydney M. Feingold, acted only to provide bacterial strains;

THAT to the extent that the subject matter disclosed and claimed in said application is also disclosed in said abstract, we four are co-inventors and the only inventors of said subject matter; and

That each one of us believes himself to be an inventor of the subject matter claimed in the above-identified patent application and of any subject matter described in the abstracts that corresponds with the claimed invention and that although another co-authored the abstract in Journal of Dental Research (abstracts), this individual is not a co-inventor of the subject matter described therein.

We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 2/27/02 By Susan Kinder Haake  
Susan A. Kinder Haake

Dated: \_\_\_\_\_ By \_\_\_\_\_  
Kara K. Podkaminer

Dated: \_\_\_\_\_ By \_\_\_\_\_  
Gwynne Attarian

|| Attrarian, et al.  
Application No.: 09/747,385  
Page 3

Dated: \_\_\_\_\_ By \_\_\_\_\_

Sean C. Yoder

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By: John Honolulu Dallas

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*Considered  
2/29/03*

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Dated: \_\_\_\_\_ By \_\_\_\_\_  
Susan A. Kinder Haake

Dated: 3/6/02 By Kara Podkaminer  
Kara K. Podkaminer

Dated: \_\_\_\_\_ By \_\_\_\_\_  
Gwynne Attarian

|| Attrarian, et al.  
Application No.: 09/747,385  
Page 3

Dated: \_\_\_\_\_ By \_\_\_\_\_

Sean C. Yoder

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JY 9/29/03

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Dated: \_\_\_\_\_ By \_\_\_\_\_

Susan A. Kinder Haake

Dated: \_\_\_\_\_ By \_\_\_\_\_

Kara K. Podkaminer

Dated: 11 March 2002 By Gwynne Attarian  
Gwynne Attarian

Attrarian, et al.  
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Page 3

Dated: \_\_\_\_\_

By \_\_\_\_\_

Sean C. Yoder

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By: Susan Kinder Davis

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Dated:

3/1/02

By

Sean C. Yoder

Sean C. Yoder